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DISTRICT OF NEVADA	
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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 CHERYL A. MANDELL,

9 Plaintiff,

10 v.

11 CHURCH OF JESUS CHRIST OF LATTER
12 DAY SAINTS,

13 Defendant.

14) 3:10-cv-0216-RCJ-VPC

15) ORDER

16 Before the Court is the Report and Recommendation of the United States Magistrate
17 Judge (#5) ("Recommendation") entered on September 22, 2010, in which the Magistrate
18 Judge recommends that this Court deny Plaintiff's application to proceed *in forma pauperis*
19 (#1) and to dismiss this action without prejudice. No objection to the Report and
Recommendation has been filed.

20 I. DISCUSSION

21 This Court "may accept, reject, or modify, in whole or in part, the findings or
22 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Further, under 28 U.S.C.
23 § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation,
24 then this Court is required to "make a de novo determination of those portions of the [report
25 and recommendation] to which objection is made."¹ Nevertheless, the statute does not
26 "require[] some lesser review by [this Court] when no objections are filed." Thomas v. Arn, 474

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28 ¹ For an objection to be timely, a party must serve and file it within 10 days after being
served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C).

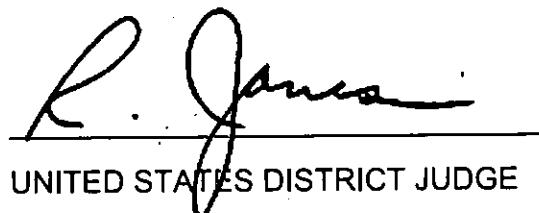
1 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not required to conduct “any
2 review at all . . . of any issue that is not the subject of an objection.” Id. at 149. Similarly, the
3 Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s
4 report and recommendation where no objections have been filed. See United States v. Reyna-
5 Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
6 district court when reviewing a report and recommendation to which no objections were made);
7 see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth
8 Circuit’s decision in Reyna-Tapia as adopting the view that district courts are not required to
9 review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a
10 magistrate judge’s recommendation, then this Court may accept the recommendation without
11 review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting, without review, a magistrate
12 judge’s recommendation to which no objection was filed).

13 In this case, there have been no objections filed to the Magistrate Judge’s Report and
14 Recommendation. Although no objection was filed, this Court has reviewed the Report and
15 Recommendation (#3) and accepts it. Accordingly,

16 IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (#1)
17 is denied. IT IS FURTHER ORDERED that this action is dismissed without prejudice.

18 IT IS SO ORDERED.

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20 DATED: This 29th day of December.

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UNITED STATES DISTRICT JUDGE

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